

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DE LAGE LANDEN FINANCIAL	:	CIVIL ACTION
SERVICES, INC.	:	
	:	
v.	:	
	:	
FREDERICK C. FISHER, M.D., et al.	:	NO. 02-2833

MEMORANDUM AND ORDER

FULLAM, Sr.J. SEPTEMBER , 2002

This breach of contract action concerns a lease of medical equipment. Plaintiff, a corporation headquartered in Pennsylvania, purchased the equipment from a vendor and leased it to the defendant, a South Dakota physician. Defendant defaulted, and pursuant to a forum selection clause contained in the contract, plaintiff filed suit in this court.

Defendant has moved to dismiss the complaint for lack of personal jurisdiction, or alternatively, for a transfer of this action to the United States District Court for the District of South Dakota, Southern Division. By the terms of the contract, this court may have *in personam* and subject matter jurisdiction, and Pennsylvania law may govern; however, it is clear that this litigation belongs in South Dakota, where all of the significant events occurred, and where most if not all, of the pertinent witnesses are located. *See De Lage Landen Fin. Servs., Inc. v. Christ's Church of the Valley, Inc.*, C.A. No. 00-3868, 2000 WL 1796422 (E.D. Pa. Nov. 20, 2000); *De*

Lage Landen Fin. Servs. Inc. v. Cardservice Int'l, Inc., C.A. No. 00-2355, 2000 WL 1593978
(E.D. Pa. Oct. 25, 2000).

An Order follows.

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ORDER

AND NOW, this day of September, 2002, IT IS ORDERED that this
action be transferred, pursuant to 28 U.S.C. §1404(a), to the United States District Court for the
District of South Dakota, Southern Division.

Fullam, Sr.J.